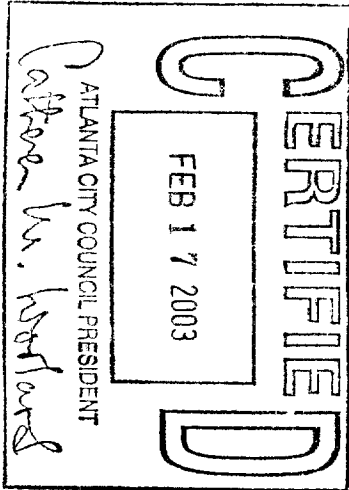


Entered - 12-05-02 - sb
CL 02L0888 - GWENDOLYN BURNS

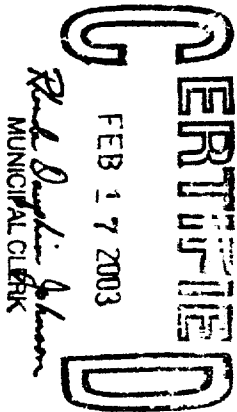
CLAIM OF: GARY STUMP, the natural
father of J.D. STUMP,
through his attorney
E. WYCLIFFE ORR, Sr.
ORR & ORR, Attorney of Law
641 Spring Street
Gainesville, Georgia 30501

03- R -0163



For damages alleged to have been sustained from a wrongful death
which resulted from the City's failure to adequately provide law
enforcement and public safety at a public event on June 7, 2002 at
West Peachtree Place, NW & Williams Street, NW.

THIS ADVERSED REPORT IS
APPROVED



BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

ADVERSE REPORT
CITY COUNCIL FEB 17 2003

ADVERSE REPORT

COMM

DATE

CHAIR

Public Safety
2-11-03
[Signature]
C. M. Murch
[Signature]
[Signature]
H. J. [Signature]



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

February 18, 2003

W. Wycliffe Orr, Sr.
Orr & Orr
Attorneys at Law
641 Spring Street
Gainesville, Georgia 30501

03-R-0163

RE: Gary Stump, the natural father of J.D.
Stump

Dear Attorney Orr:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on February 17, 2003. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0888

Date: January 30, 2003

Claimant/Victim **GARY STUMP on behalf of his deceased son, J. D. STUMP**
BY: (Atty) (Ins. Co.) E. Wycliffe Orr, Sr., Esq., ORR & ORR
Address: 641 Spring Street, Gainesville, Georgia 30501
Subrogation: Claim for damage \$ Bodily Injury \$ Unspecified
Date of Notice: 12/03/02 Method: Written, Proper Improper X
Conforms to Notice: O.C.G.A. §36-33-5 Ante Litem (6 Mo.)
Date of Occurrence 6/10/02 Place: West Peachtree Place, NW & Williams Street, NW.
Department POLICE Division
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that his son was wrongfully killed as a result of the City's failure to adequately provide law enforcement and public safety to the public during a concert event. However, an investigation determined that the Claimant's son was killed by a third party. The City is not responsible for the actions of a third party. More importantly, the Department of Police is a governmental function and is protected by sovereign immunity as set forth in O.C.G.A. §36-33-1.

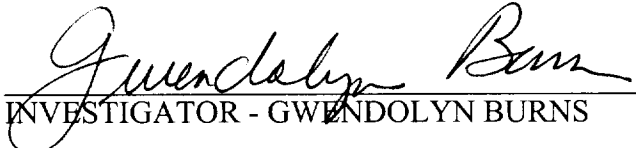
INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police Dept Report Other X
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

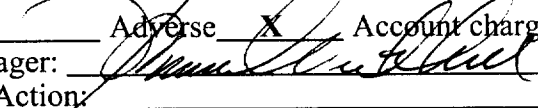
BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice More than Six Months Other X Damages reasonable
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2P01 2H01
Claims Manager:  Concur/date 2-3-23
Committee Action: Council Action

RCS# 4470
2/17/03
2:22 PM

Atlanta City Council

Regular Session

CONSENT I

Pgs. 1-11: Except 03-R-0224

ADOPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	NV Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

2/17/03 FULL COUNCIL MEETING		
Items Adopted on the Consent Agenda		Items Adversed on the Consent Agenda
1. 02-O-0037	37. 03-R-0161	39. 03-R-0137
2. 03-O-0127	38. 03-R-0162	40. 03-R-0138
3. 03-O-0185		41. 03-R-0139
4. 03-O-0187		42. 03-R-0163
5. 03-O-0085		43. 03-R-0164
6. 03-O-0125		44. 03-R-0165
7. 03-R-0143		45. 03-R-0166
8. 03-R-0144		46. 03-R-0167
9. 03-R-0189		47. 03-R-0168
10. 03-R-0210		48. 03-R-0169
11. 03-R-0211		49. 03-R-0170
12. 03-R-0212		50. 03-R-0171
13. 03-R-0213		51. 03-R-0172
14. 03-R-0145		52. 03-R-0173
15. 03-R-0146		53. 03-R-0174
16. 03-R-0149		54. 03-R-0175
17. 03-R-0150		55. 03-R-0176
18. 03-R-0151		56. 03-R-0177
19. 03-R-0152		57. 03-R-0178
20. 03-R-0153		58. 03-R-0179
21. 03-R-0160		59. 03-R-0180
22. 03-R-0207		60. 03-R-0181
23. 03-R-0208		61. 03-R-0201
24. 03-R-0209		
25. 03-R-0141		
26. 03-R-0142		
27. 03-R-0140		
28. 03-R-0128		
29. 03-R-0129		
30. 03-R-0130		
31. 03-R-0131		
32. 03-R-0132		
33. 03-R-0133		
34. 03-R-0134		
35. 03-R-0135		
36. 03-R-0136		
Consent I Vote: 14Yeas; 0 Nays: (See RCS #4470)		
Item Removed from the Consent Agenda: 03-R-0224		